IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET.

SECOND APPEAL NO.679 OF 2004

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

CORAM: A.S.OKA,J.
DATE : FEBRUARY 9, 2005.

P.C.:

1. Heard Counsel appearing for the parties. Shri More, learned Counsel for the Appellant submitted that in so far as the property described in paragraph No.1-C of the plaint is concerned it is clearly a self acquired property of Dattu acquired for consideration of Rs.3,000/-. He submitted that there is nothing on record to show that there existed sufficient nucleus from which the said property could have been purchased. He, therefore, submitted that considering the finding recorded by the Appellate Court itself existence of sufficient nucleus is not proved.

2. I have considered the submission. The

Trial Court has recorded a finding that at the time of acquisition the said property, an agriculture land was enjoyed by Dattu which was a joint family property. At that time Dattu was serving as Peon in Grampanchyat Office. The Trial Court has found that Dattu was getting a meagre amount by way of salary and there is nothing on record to show that consideration for purchasing the acquired land was paid from his salary. In so far as existence of nucleus is concerned, though the finding of the Appellate Court may not be so specific the Appellate Court has confirmed the elaborate finding recorded by the Trial Court after consideration of the evidence.

3. There is no reason to interfere with the concurrent finding of fact recorded by the Courts below. No substantial question of law arise. Second Appeal is dismissed with no order as to costs.

JUDGE.